

REMARKS

Claims 1 to 13 remain in this application.

Claims 1 to 6 and 11 to 13 have been allowed.

Claims 9 and 10 have been indicated as containing allowable subject matter.

A certified copy of European Patent Application number 02406099.8 filed December 12, 2002 is being submitted herewith to claim and perfect applicant's claim to priority pursuant to the provisions of 35 U.S.C. 119. In this respect, note is made that the claim for priority in the original Declaration by the inventor stated an incorrect date for the filing of the priority application.

A separate letter is being submitted herewith to substitute the drawings with the legend - Prior Art – on each of Figs. 1, 2 and 3 as requested. Clarification is requested of the Examiner's statement that applicant should verify that all reference characters in the drawings are described with a detailed description portion of the specification. 37 C.F.R. 1.84(p)(5) does not require verification.

The description has been corrected in editorial manner in each of pages 3,6 and 7.

Claim 11 has been amended in editorial manner.

An Abstract of the disclosure has also been provided.

The Title has been changed as requested.

Note is made of the reference to having headings in the specification. However, there is no Rule or Statute that requires the use of headings. In any event, the suggested format for a specification has been followed in the present application.

Reconsideration of the rejection of Claim 7 as being anticipated by EP1099469 (Maurer) (corresponding to U.S. 6,769,801) is requested. It is understood that the Examiner considers the reinforcing ring 4 of the illustrated cast element 1 of Maurer to have a pair of "annular segments". Issue is taken in this respect. For example, in the context of Applicant's specification and drawings, a "pair of annular segments" describes separate structures and not portions of an annular ring. Second, Webster's Ninth New Collegiate Dictionary defines the term "segment" as "a separate piece of something". The alleged annular segments of Maurer are not separate pieces of the ring. Third, the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say.

In order to advance the prosecution of the application claim 7 has been amended to define the claimed one piece body as having "[said] segments being peripherally spaced apart to define gaps therebetween". Clearly, the alleged annular segments of the ring 4 of Maurer are not peripherally spaced apart and do not define gaps since the ring is a complete ring without any gaps or spaces. Accordingly, a rejection of Claim 7, as amended, as being anticipated by Maurer is not warranted pursuant to the provisions of 35 U.S.C. 102.

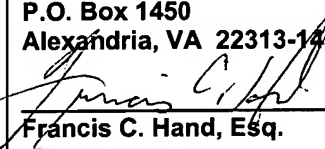
Claim 7 has also been rejected as being anticipated by Ogasawara. Issue is taken in this respect.

Ogasawara describes a mixing apparatus that contains eight elements 3 within a hollow cylindrical case 5. As illustrated in Fig. 2, each element 3 comprises a hollow cylindrical body 7 provided on an inner surface with two projecting plates 9.

Claim 7 requires a one piece body to have "a first plurality of ribs disposed in spaced apart parallel layers ...". Ogasawara does not describe or teach such a structure. As can be seen from Figs. 2 and 3 of Ogasawara, there is only one plate 9 on each side of the element 3. Further, the plates 9 on opposite sides of the element 3 are not in parallel but are inclined with respect to each other. Accordingly, a rejection of Claim 7 as being anticipated by Ogasawara is not warranted pursuant to the provisions of 35 U.S.C. 102.

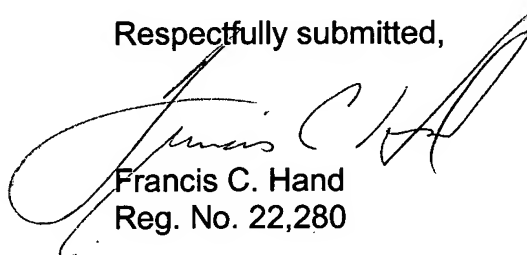
Claim 8 depends from Claim 7 and is believed to be allowable for similar reasons.

The application is believed to be in condition for allowance and such is respectfully requested.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
 Francis C. Hand, Esq.	<u>11-28-05</u> Date

#272967 v1

Respectfully submitted,


Francis C. Hand
Reg. No. 22,280

CARELLA, BYRNE BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Five Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744